

U.S. Patent Application Serial No. 10/525,620
Reply to Office Action dated July 6, 2007

Remarks:

Applicants have read and considered the Office Action dated July 6, 2007 and the references cited therein. Claims 1 and 7 have been amended. New claim 10 has been added. Claims 1, 3-7 and 10 are currently pending. Reconsideration and reexamination are hereby requested.

Claims 1 and 3-7 were rejected under 35 U.S.C. § 112, first paragraph. The Office Action states that there is no support in the original specification for the amended claim language of claim 1, namely: "wherein the sensor generates" at line 10, "in communication with the identification means" in lines 13 and 14, "wherein the learning means stores data" at line 19, and "corresponding to" at line 22. Applicants respectfully traverse the rejection.

With regard to "wherein the sensor generates" at line 10, the claim language has been amended to recite that the identification means generates an identification signal. Applicants assert that there is support for such language including but not limited to, paragraph 23, beginning on page 7, line 24. More specifically, beginning on page 8, line 1, the application recites that "the identification means 10... generates a release signal for valve mechanism 20..." In addition, at paragraph 25, beginning on page 8, line 27, the original specification recites "identification signals generated in the identification means." Applicants assert that there is clear support for at least the current language of claim 1.

With regard to "in communication with the identification means" at lines 13 and 14, Applicants respectfully assert that there is support for the language in the specification as originally filed. In particular, in paragraph 23, beginning on page 7, line 24, recites that "the identification means... generates a release signal for valve mechanism 20" at page 8, lines 15-20. It is therefore clear that the identification means are in communication with the valve

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mechanism. Applicants assert that there is support for the claim language in the specification as originally filed.

Regarding "wherein the learning means stores data" at line 19, Applicants have amended the language to adopt the language previously recited in claim 1, which was not objected to or rejected. Applicants assert that the rejection with regard to that language is overcome.

Finally, with regard to "corresponding to" at line 22, the language has been deleted. Applicants have utilized language that is fully supported by the specification as originally filed. Applicants assert that the rejections under 35 U.S.C. § 112 are overcome.

Claims 1 and 3-7 were rejected under 35 U.S.C. § (b) as being anticipated by DE 199 48 366 A1. In addition, claims 1 and 3-7 were rejected under 35 U.S.C. § 102(b) as being anticipated by WO 2004/023949. Moreover, claims 1 and 3-7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Helbling in view of DE 199 48 366 or WO 2004/023949.

The Office Action contends that Helbling discloses the claimed invention except for the identification means, specific programmable memory and learning means. The Office Action states that DE '366 or WO '949 references both teach or suggest the use of identification means along with a programmable memory in which at least one of amount signals and choice signals corresponding to the identification signal are stored and a learning means with a dispensing control for dispensing a foodstuff into a container and for storing in the memory data. The Office Action states that it would have been obvious to combine the references to arrive at the invention recited in the claims. Applicants respectfully traverse the rejections.

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Applicants note that claims 1 and 7 have been amended and new claim 10 has been added. Applicants assert that these claims patentably distinguish over the prior art. DE '366 discloses a controlling device or dispensing device where different security levels are chosen depending on the user who is identified by voice. DE '366 fails to disclose a dispensing device with at least one sensor detecting shape characteristics and at least one sensor detecting the weight of containers that differ from one another. DE '366 also fails to disclose identification means that generate an identification signal that specifies the detected container. Although WO '949 discloses a dispensing device detecting the height of a container and filling device adjusted in relation to the height of the container, the reference does not disclose a valve mechanism in communication with identification means. Moreover, Applicants note that the foodstuff in this document is not chosen according to the detected height signal. WO '949 also fails to disclose or suggest a device that enters data into the memory corresponding to identification signal.

Helbling discloses a dispensing device that detects containers by reading a bar code on the container and filling the container with the liquid assigned to the bar code. The dispensing device recited in claim 1 patentably distinguishes over Helbling and any combination with the other cited references. Containers as recited in claim 1 are detected by identification means with at least one sensor that detects shape characteristics and at least one sensor that detects the weight of the container. Moreover, the identification means generates an identification signal dependent upon the sensors input that specifies the container. Claim 1 further recites learning means for storing at least one of the amount and state of filling in dependence on the identification signal. Helbling teaches away from such detection as it uses a bar code on the container. The detection of shape and weight is a reliable and simple method to detect the container and does not require the extra effort and complexity needed with attaching and assigning bar codes to containers. Bar codes may be rubbed or washed off or may become distorted from use. The present invention is adaptable to a wide variety of containers without any modification or applying labeling to the containers. The dispensing device simply has the

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necessary data created and stored for the particular container and filling is automatically accomplished. Helbling neither teaches nor suggests such a dispensing device and it would not be obvious to one of ordinary skill in the art to use such sensors to detect the shape and weight of the container and create and store the necessary data for automatically filling the container.

Moreover, even when combined with DE '366 or WO '949, one of ordinary skill in the art would not arrive at the present invention. Helbling teaches away from sensing any sort of shape, height or other container characteristic as it uses a bar code. Moreover, DE '366 does not detect the weight and shape characteristics of the container or identification means generating a signal that specifies the container. WO '949 detects only the height of the container and does not select the foodstuff based on the container detected. Applicants assert that even when combined, the cited references do not arrive at the dispensing device recited in claims 1, 7 and 10.

Applicants assert that claims 1, 7 and 10 and the claims depending therefrom patentably distinguish over the prior art or any combination thereof. Applicants request that the rejections be withdrawn.

A speedy and favorable action in the form of a Notice of Allowance is hereby solicited. If the Examiner feels that a telephone interview may be helpful in this matter, please contact Applicant's representative at (612) 336-4728.



Respectfully submitted,

MERCHANT & GOULD P.C.

Dated: _____

11/6/07

By: _____

Gregory A. Sebald
Reg. No. 33,280
GAS/km